APPENDIX "A"

Memorandum Order of the United States Court of Appeals for the Second Circuit (April 15, 1976)

UNITED STATES COURT OF APPEALS

SECOND CIRCUIT

Docket Nos. 75-1393, 75-1424, 75-1426
75-1432, 76-1048

UNITED STATES OF AMERICA,

Appellee,

—v.—

JOE TRUMAN BOYD, ERNEST DARWIN GOODLOE, ROBERT E. FORD, ERNEST R. MULLENAX and M. S. KNISELY,

Appellants.

At a Stated Term of the United States Court of Appeals, in and for the Second Circuit, held at the United States Court House, in the City of New York, on the 15th day of April, one thousand nine hundred and seventy-six.

Present: HON. TOM C. CLARK
Associate Justice, United States Supreme Court, Retired

HON. WILLIAM H. TIMBERS
HON. ELLSWORTH A. VAN GRAAFEILAND
Circuit Judges.

Appeals from the United States District Court for the Southern District of New York.

APPENDIX A—Memorandum Order of the United States Court of Appeals for the Second Circuit (April 15, 1975)

This cause came on to be heard on the transcript of record from the United States District Court for the Southern District of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, it is now hereby ordered, adjudged, and decreed that the judgments of conviction of said District Court be, and they hereby are, *affirmed* as to all appellants on all counts upon which they were convicted, except that, pursuant to the government's concession, the conviction of appellant Mullenax is *reversed* on substantive counts 2-26, 29-37 and 41-48. Under all the circumstances, it is neither necessary nor appropriate to remand for reconsideration of the sentence imposed on Mullenax on the counts which are affirmed. See *United States* v. *Blitz*, slip op. 2761, 2795 n. 46 (2d Cir. March 25, 1976).

We have carefully considered all of appellants' claims of error and we find them to be without merit. Appellants were convicted of serious crimes after a fair trial on the basis of overwhelming evidence. We order that the mandate issue forthwith.

/s/ TOM C. CLARK
TOM C. CLARK
Associate Justice

/s/ WILLIAM H. TIMBERS
WILLIAM H. TIMBERS

/s/ ELLSWORTH A. VAN GRAAFEILAND
ELLSWORTH A. VAN GRAAFEILAND
Circuit Judges.

APPENDIX "B"

Order of the United States Court of Appeals for the Second Circuit Denying Rehearing (June 2, 1976)

UNITED STATES COURT OF APPEALS

SECOND CIRCUIT

Docket No. 75-1393

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

—v.—

JOE TRUMAN BOYD, JAMES CALVIN JOINER, ERNEST DARWIN GOODLOE, ROBERT E. FORD, SELWYN WEBER, EMERSON F. TITLOW, ERNEST R. MULLENAX, M. S. KNISELY, HOWARD L. BROOKSHIRE, WILLIAM WAYNE BARNETT, MARVIN J. RAPPAPORT, STANLEY SCHLEGER, EDWARD VANASCO, ALAN SEGAL, ROGER BISSETT and JOHN WELLS,
Defendants,

M.S. KNISELY, ERNEST R. MULLENAX, JOE TRUMAN BOYD, ROBERT E. FORD, ERNEST R. GOODLOE,
Defendants-Appellants.

At a Stated Term of the United States Court of Appeals, in and for the Second Circuit, held at the United States Court House, in the City of New York, on the second day of June, one thousand nine hunderd and seventy-six.

Present: HON. TOM C. CLARK
Associate Justice

HON. WILLIAM H. TIMBERS
HON. ELLSWORTH A. VAN GRAAFEILAND
Circuit Judges.

APPENDIX B—Order of the United States Court of Appeals for the Second Circuit Denying Rehearing
(June 2, 1976)

A petition for a rehearing having been filed herein by counsel for the appellant, Robert E. Ford,

Upon consideration thereof, it is

Ordered that said petition be and hereby is denied.

A. DANIEL FUSARO
Clerk

APPENDIX "C"

Order of the United States Court of Appeals for the Second Circuit Denying Rehearing *en banc* (June 2, 1976)

UNITED STATES COURT OF APPEALS

SECOND CIRCUIT

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

—v.—

JOE TRUMAN BOYD, JAMES CALVIN JOINER, ERNEST DARWIN GOODLOE, ROBERT E. FORD, SELWYN WEBER, EMERSON F. TITLOW, ERNEST R. MULLENAX, M. S. KNISELY, HOWARD L. BROOKSHIRE, WILLIAM WAYNE BARNETT, MARVIN J. RAPPAPORT, STANLEY SCHLEGER, EDWARD VANASCO, ALAN SEGAL, ROGER BISSETT and JOHN WELLS,
Defendants,

M.S. KNISELY, ERNEST R. MULLENAX, JOE TRUMAN BOYD, ROBERT E. FORD, ERNEST R. GOODLOE,
Defendants-Appellants.

At a stated term of the United States Court of Appeals, in and for the Second Circuit, held at the United States Court House, in the City of New York, on the second day of June, one thousand nine hundred and seventy-six.

A petition for rehearing containing a suggestion that the action be reheard in banc having been filed herein by counsel for the appellant, Robert E. Ford, and no

APPENDIX C—Order of the United States Court of Appeals for the Second Circuit Denying Rehearing en banc
(June 2, 1976)

active judge or judge who was a member of the panel having requested that a vote be taken on said suggestion,

Upon consideration thereof, it is,

Ordered that said petition be and it hereby is denied.

/s/ IRVING R. KAUFMAN
IRVING R. KAUFMAN,
Chief Judge